

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

RUDY GARNIER)
v.) NO. 2:09-CV-28
UNITED STATES OF AMERICA) (2:02-CR-72)

ORDER

Acting *pro se*, federal inmate Rudy Garnier brings this motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255, advancing six enumerated grounds for relief.

In April of 2005, petitioner was convicted, pursuant to a jury verdict, of one count of conspiracy to distribute and possession with the intent to distribute 50 grams or more of cocaine base (crack), in violation of 21 U.S.C. § 846 and § 841(b)(1)(a), and four counts of aiding and abetting laundering of monetary instructions, a violation of 18 U.S.C. § 1956(a)(1)(A)(I) and 2. Subsequently, he was sentenced to a 235-month term of imprisonment.

The last ground in the motion, which is based upon Amendment 706 [the crack amendment] to the United States Sentencing Guidelines, is being litigated in separate proceedings, [Docs. 348-354], with the assistance of appointed counsel. [Doc. 379]. Therefore, this ground for relief is **DISMISSED** as duplicative of the claim presently being considered in those other proceedings.

Since it does not plainly appear from the face of the motion that the remaining grounds should be summarily dismissed, the United States Attorney is hereby **ORDERED**

to file an answer or other pleading to the motion within thirty (30) days from entry of this Order. Rule 4, Rules Governing Section 2255 Proceedings.

ENTER:



LEON JORDAN
UNITED STATES DISTRICT JUDGE